



April 6, 2005

ENGROSSED HOUSE BILL No. 1083

DIGEST HB 1083 (Updated April 5, 2005 12:39 pm - DI 44)

Citations Affected: IC 4-4; IC 5-1; IC 6-6; IC 6-9; IC 8-9.5; IC 9-13; IC 9-18; IC 9-29; IC 36-7; noncode.

Synopsis: Stadium and convention building authority. Establishes the Indiana stadium and convention building authority (SCBA) to acquire, construct, equip, own, lease, and finance facilities for lease to or for the benefit of a capital improvement board. Prohibits the SCBA from issuing bonds unless: (1) each contract for the construction of any facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage; and (2) certain requirements with respect to seat licenses, ticket prices, and resale of tickets are met with respect to a football stadium. Authorizes the Indianapolis city-county council to increase the rates of the: (1) county supplemental auto rental excise tax; (2) county innkeeper's tax; (3) county food and beverage tax; and (4) county admissions tax; and provides that the resulting increased revenue is to be distributed to the Marion County capital improvement board for use in paying debt service on certain obligations issued by the SCBA. Authorizes the counties contiguous to Marion County, and certain municipalities located in those counties, to adopt a food and beverage tax. Authorizes the SCBA and the development finance authority to enter into swap agreements. Requires the bureau of motor vehicles to design and issue a professional sports teams license plate. Authorizes the budget director to increase the amount of state tax revenue that is annually captured by the Marion County professional sports development area. Prohibits the expansion of the Marion County professional sports development area except with respect to the site of a facility to be financed by the SCBA. Prohibits the expansion of a professional sports and convention development area in other counties. Repeals the current law concerning termination of the Marion County food and beverage tax.

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Effective: Upon passage; May 15, 2005; July 1, 2005.

Murphy, Day, Noe, Klinker

(SENATE SPONSORS — ALTING, KENLEY, SIMPSON)

January 4, 2005, read first time and referred to Committee on Ways and Means.
January 6, 2005, reported — Do Pass.
January 10, 2005, read second time, ordered engrossed. Engrossed.
January 11, 2005, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 14, 2005, read first time and referred to Committee on Tax and Fiscal Policy.
April 5, 2005, amended, reported favorably — Do Pass.

EH 1083—LS 7078/DI 51+



April 6, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1083

A BILL FOR AN ACT to amend the Indiana Code concerning
taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-4-11-15 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 15. (a) The authority
3 is granted all powers necessary or appropriate to carry out and
4 effectuate its public and corporate purposes under this chapter,
5 IC 4-4-21, and IC 15-7-5, including but not limited to the following:

6 (1) Have perpetual succession as a body politic and corporate and
7 an independent instrumentality exercising essential public
8 functions.

9 (2) Without complying with IC 4-22-2, adopt, amend, and repeal
10 bylaws, rules, and regulations not inconsistent with this chapter,
11 IC 4-4-21, and IC 15-7-5 and necessary or convenient to regulate
12 its affairs and to carry into effect the powers, duties, and purposes
13 of the authority and conduct its business.

14 (3) Sue and be sued in its own name.

15 (4) Have an official seal and alter it at will.

16 (5) Maintain an office or offices at a place or places within the
17 state as it may designate.

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(6) Make and execute contracts and all other instruments necessary or convenient for the performance of its duties and the exercise of its powers and functions under this chapter, IC 4-4-21, and IC 15-7-5.

(7) Employ architects, engineers, attorneys, inspectors, accountants, agriculture experts, silviculture experts, aquaculture experts, and financial experts, and such other advisors, consultants, and agents as may be necessary in its judgment and to fix their compensation.

(8) Procure insurance against any loss in connection with its property and other assets, including loans and loan notes in amounts and from insurers as it may consider advisable.

(9) Borrow money, make guaranties, issue bonds, and otherwise incur indebtedness for any of the authority's purposes, and issue debentures, notes, or other evidences of indebtedness, whether secured or unsecured, to any person, as provided by this chapter, IC 4-4-21, and IC 15-7-5.

(10) Procure insurance or guaranties from any public or private entities, including any department, agency, or instrumentality of the United States, for payment of any bonds issued by the authority or for reinsurance on amounts paid from the industrial development project guaranty fund, including the power to pay premiums on any insurance or reinsurance.

(11) Purchase, receive, take by grant, gift, devise, bequest, or otherwise, and accept, from any source, aid or contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this chapter, IC 4-4-21, and IC 15-7-5, subject to the conditions upon which the grants or contributions are made, including but not limited to gifts or grants from any department, agency, or instrumentality of the United States, and lease or otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with real or personal property or any interest in real or personal property, wherever situated, for any purpose consistent with this chapter, IC 4-4-21, or IC 15-7-5.

(12) Enter into agreements with any department, agency, or instrumentality of the United States or this state and with lenders and enter into loan agreements, sales contracts, and leases with contracting parties, including borrowers, lenders, developers, or users, for the purpose of planning, regulating, and providing for the financing and refinancing of any agricultural enterprise (as defined in IC 15-7-4.9-2), rural development project (as defined

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in IC 15-7-4.9-19.5), industrial development project, or international exports, and distribute data and information concerning the encouragement and improvement of agricultural enterprises and agricultural employment, rural development projects, industrial development projects, international exports, and other types of employment in the state undertaken with the assistance of the authority under this chapter.

(13) Enter into contracts or agreements with lenders and lessors for the servicing and processing of loans and leases pursuant to this chapter, IC 4-4-21, and IC 15-7-5.

(14) Provide technical assistance to local public bodies and to profit and nonprofit entities in the development or operation of agricultural enterprises, rural development projects, and industrial development projects.

(15) To the extent permitted under its contract with the holders of the bonds of the authority, consent to any modification with respect to the rate of interest, time, and payment of any installment of principal or interest, or any other term of any contract, loan, loan note, loan note commitment, contract, lease, or agreement of any kind to which the authority is a party.

(16) To the extent permitted under its contract with the holders of bonds of the authority, enter into contracts with any lender containing provisions enabling it to reduce the rental or carrying charges to persons unable to pay the regular schedule of charges when, by reason of other income or payment by any department, agency, or instrumentality of the United States of America or of this state, the reduction can be made without jeopardizing the economic stability of the agricultural enterprise, rural development project, or industrial development project being financed.

(17) Invest any funds not needed for immediate disbursement, including any funds held in reserve, in direct and general obligations of or obligations fully and unconditionally guaranteed by the United States, obligations issued by agencies of the United States, obligations of this state, or any obligations or securities which may from time to time be legally purchased by governmental subdivisions of this state pursuant to IC 5-13, or any obligations or securities which are permitted investments for bond proceeds or any construction, debt service, or reserve funds secured under the trust indenture or resolution pursuant to which bonds are issued.

(18) Collect fees and charges, as the authority determines to be

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reasonable, in connection with its loans, guarantees, advances, insurance, commitments, and servicing.

(19) Cooperate and exchange services, personnel, and information with any federal, state, or local government agency, or instrumentality of the United States or this state.

(20) Sell, at public or private sale, with or without public bidding, any loan or other obligation held by the authority.

(21) Enter into agreements concerning, and acquire, hold, and dispose by any lawful means, land or interests in land, building improvements, structures, personal property, franchises, patents, accounts receivable, loans, assignments, guarantees, and insurance needed for the purposes of this chapter, IC 4-4-21, or IC 15-7-5.

(22) Take assignments of accounts receivable, loans, guarantees, insurance, notes, mortgages, security agreements securing notes, and other forms of security, attach, seize, or take title by foreclosure or conveyance to any industrial development project when a guaranteed loan thereon is clearly in default and when in the opinion of the authority such acquisition is necessary to safeguard the industrial development project guaranty fund, and sell, or on a temporary basis, lease, or rent such industrial development project for any use.

(23) Expend money, as the authority considers appropriate, from the industrial development project guaranty fund created by section 16 of this chapter.

(24) Purchase, lease as lessee, construct, remodel, rebuild, enlarge, or substantially improve industrial development projects, including land, machinery, equipment, or any combination thereof.

(25) Lease industrial development projects to users or developers, with or without an option to purchase.

(26) Sell industrial development projects to users or developers, for consideration to be paid in installments or otherwise.

(27) Make direct loans from the proceeds of the bonds to users or developers for:

(A) the cost of acquisition, construction, or installation of industrial development projects, including land, machinery, equipment, or any combination thereof; or

(B) eligible expenditures for an educational facility project described in IC 4-4-10.9-6.2(a)(2);

with the loans to be secured by the pledge of one (1) or more bonds, notes, warrants, or other secured or unsecured debt

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obligations of the users or developers.

(28) Lend or deposit the proceeds of bonds to or with a lender for the purpose of furnishing funds to such lender to be used for making a loan to a developer or user for the financing of industrial development projects under this chapter.

(29) Enter into agreements with users or developers to allow the users or developers, directly or as agents for the authority, to wholly or partially construct industrial development projects to be leased from or to be acquired by the authority.

(30) Establish reserves from the proceeds of the sale of bonds, other funds, or both, in the amount determined to be necessary by the authority to secure the payment of the principal and interest on the bonds.

(31) Adopt rules governing its activities authorized under this chapter, IC 4-4-21, and IC 15-7-5.

(32) Use the proceeds of bonds to make guaranteed participating loans.

(33) Purchase, discount, sell, and negotiate, with or without guaranty, notes and other evidences of indebtedness.

(34) Sell and guarantee securities.

(35) Make guaranteed participating loans under IC 4-4-21-26.

(36) Procure insurance to guarantee, insure, coinsure, and reinsure against political and commercial risk of loss, and any other insurance the authority considers necessary, including insurance to secure the payment of principal and interest on notes or other obligations of the authority.

(37) Provide performance bond guarantees to support eligible export loan transactions, subject to the terms of this chapter or IC 4-4-21.

(38) Provide financial counseling services to Indiana exporters.

(39) Accept gifts, grants, or loans from, and enter into contracts or other transactions with, any federal or state agency, municipality, private organization, or other source.

(40) Sell, convey, lease, exchange, transfer, or otherwise dispose of property or any interest in property, wherever the property is located.

(41) Cooperate with other public and private organizations to promote export trade activities in Indiana.

(42) Make guarantees and administer the agricultural loan and rural development project guarantee fund established by IC 15-7-5.

(43) Take assignments of notes and mortgages and security

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agreements securing notes and other forms of security, and attach, seize, or take title by foreclosure or conveyance to any agricultural enterprise or rural development project when a guaranteed loan to the enterprise or rural development project is clearly in default and when in the opinion of the authority the acquisition is necessary to safeguard the agricultural loan and rural development project guarantee fund, and sell, or on a temporary basis, lease or rent the agricultural enterprise or rural development project for any use.

(44) Expend money, as the authority considers appropriate, from the agricultural loan and rural development project guarantee fund created by IC 15-7-5-19.5.

(45) Reimburse from bond proceeds expenditures for industrial development projects under this chapter.

(46) Do any act necessary or convenient to the exercise of the powers granted by this chapter, IC 4-4-21, or IC 15-7-5, or reasonably implied from those statutes, including but not limited to compliance with requirements of federal law imposed from time to time for the issuance of bonds.

(47) Issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17.

(b) The authority's powers under this chapter shall be interpreted broadly to effectuate the purposes of this chapter and may not be construed as a limitation of powers.

(c) This chapter does not authorize the financing of industrial development projects for a developer unless any written agreement that may exist between the developer and the user at the time of the bond resolution is fully disclosed to and approved by the authority.

SECTION 2. IC 5-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]:

Chapter 17. Indiana Stadium and Convention Building Authority

Sec. 1. As used in this chapter, "authority" refers to the Indiana stadium and convention building authority created by this chapter.

Sec. 2. As used in this chapter, "board" refers to the board of directors of the authority.

Sec. 3. As used in this chapter, "bonds" means bonds, notes, commercial paper, or other evidences of indebtedness. The term includes obligations (as defined in IC 8-9.5-9-3) and swap

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agreements (as defined in IC 8-9.5-9-4).

Sec. 4. As used in this chapter, "capital improvement board" refers to a capital improvement board of managers created by IC 36-10-8 or IC 36-10-9.

Sec. 5. As used in this chapter, "state agency" has the meaning set forth in IC 4-13.5-1-1.

Sec. 6. An Indiana stadium and convention building authority is created in the state as a separate body corporate and politic as an instrumentality of the state to acquire, construct, equip, own, lease, and finance facilities for lease to or for the benefit of a capital improvement board.

Sec. 7. (a) The board is composed of the following seven (7) members, who must be residents of the state:

(1) Two (2) members appointed by the governor.

(2) One (1) member appointed by the president pro tempore of the senate.

(3) One (1) member appointed by the speaker of the house of representatives.

(4) Two (2) members appointed by the executive of a county having a consolidated first class city.

(5) One (1) member appointed by the county fiscal body of a county that is contiguous to a county having a consolidated city, determined as follows:

(A) The member appointed for the initial term shall be appointed by the contiguous county that has the largest population of all the contiguous counties that have adopted an ordinance to impose a food and beverage tax under IC 6-9-35.

(B) The member appointed for each successive term shall be appointed by the contiguous county that:

(i) contributed the most revenues from the tax imposed by IC 6-9-35 to the capital improvement board of managers created by IC 36-10-9-3 in the immediately previous calendar year; and

(ii) has not previously made an appointment to the board or, if all the contributing counties have previously made such an appointment, is the one (1) whose then most recent appointment occurred before those of all the other contributing counties.

(b) A member appointed under subsection (a)(1) through (a)(4) is entitled to serve a three (3) year term. A member appointed under subsection (a)(5) is entitled to serve a one (1) year term. A member may be reappointed to subsequent terms.



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(c) If a vacancy occurs on the board, the person or body who made the appointment of the vacated member shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) A board member may be removed for cause by the appointing authority that appointed the member.

(e) Each member, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the board.

Sec. 8. (a) The board shall hold an initial organizational meeting on or before June 30, 2005. Immediately after January 15 of each year, the board shall hold its annual organizational meeting.

(b) The governor shall appoint a member of the board to serve as chair of the board.

(c) The board shall elect one (1) of the members vice chair and another secretary-treasurer to perform the duties of those offices. These officers serve from the date of their election and until their successors are elected and qualified. The board may elect an assistant secretary-treasurer.

(d) Special meetings may be called by the chair of the board or any three (3) members of the board.

(e) A majority of the members constitutes a quorum, and the concurrence of a majority of the members is necessary to authorize any action.

Sec. 9. The board may adopt the bylaws and rules it considers necessary for the proper conduct of its duties and the safeguarding of the funds and property entrusted to its care.

Sec. 10. The authority is organized for the following purposes:

(1) Acquiring, financing, constructing, and leasing land and capital improvements to or for the benefit of a capital improvement board.

(2) Financing and constructing additional improvements to capital improvements owned by the authority and leasing them to or for the benefit of a capital improvement board.

(3) Acquiring land or all or a portion of one (1) or more capital improvements from a capital improvement board by purchase or lease and leasing the land or these capital improvements back to the capital improvement board, with any additional improvements that may be made to them.

(4) Acquiring all or a portion of one (1) or more capital improvements from a capital improvement board by purchase or lease to fund or refund indebtedness incurred on account

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of those capital improvements to enable the capital improvement board to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the capital improvement board considers to be unduly burdensome.

Sec. 11. The authority may also:

- (1) finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and capital improvements;
- (2) lease the land or those capital improvements to a capital improvement board;
- (3) sue, be sued, plead, and be impleaded;
- (4) condemn, appropriate, lease, rent, purchase, and hold any real or personal property needed or considered useful in connection with capital improvements;
- (5) acquire real or personal property by gift, devise, or bequest and hold, use, or dispose of that property for the purposes authorized by this chapter;
- (6) after giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a capital improvement;
- (7) design, order, contract for, and construct, reconstruct, and renovate any capital improvements or improvements thereto;
- (8) employ managers, superintendents, architects, engineers, attorneys, auditors, clerks, construction managers, and other employees;
- (9) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter; and
- (10) take any other action necessary to implement its purposes as set forth in section 10 of this chapter.

Sec. 12. (a) Bonds issued under IC 36-10-8 or IC 36-10-9 or prior law may be refunded as provided in this section.

(b) A capital improvement board may:

- (1) lease all or a portion of land or a capital improvement or improvements to the authority, which may be at a nominal lease rental with a lease back to the capital improvement board, conditioned upon the authority assuming bonds issued under IC 36-10-8 or IC 36-10-9 or prior law and issuing its bonds to refund those bonds; and
- (2) sell all or a portion of land or a capital improvement or improvements to the authority for a price sufficient to provide for the refunding of those bonds and lease back the land or

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capital improvement or improvements from the authority.

Sec. 13. (a) Before a lease may be entered into by a capital improvement board under this chapter, the capital improvement board must find that the lease rental provided for is fair and reasonable.

(b) A lease of land or capital improvements from the authority to a capital improvement board:

(1) may not have a term exceeding forty (40) years;

(2) may not require payment of lease rentals for a newly constructed capital improvement or for improvements to an existing capital improvement until the capital improvement or improvements thereto have been completed and are ready for occupancy;

(3) may contain provisions:

(A) allowing the capital improvement board to continue to operate an existing capital improvement until completion of the improvements, reconstruction, or renovation of that capital improvement or any other capital improvement; and

(B) requiring payment of lease rentals for land, for an existing capital improvement being used, reconstructed, or renovated, or for any other existing capital improvement;

(4) may contain an option to renew the lease for the same or shorter term on the conditions provided in the lease;

(5) must contain an option for the capital improvement board to purchase the capital improvement upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account of the capital improvement, including indebtedness incurred for the refunding of that indebtedness;

(6) may be entered into before acquisition or construction of a capital improvement;

(7) must be approved by the executive of the county in which the capital improvement board is located;

(8) may provide that the capital improvement board shall agree to:

(A) pay all taxes and assessments thereon;

(B) maintain insurance thereon for the benefit of the authority;

(C) assume responsibility for utilities, repairs, alterations, and any costs of operation; and

(D) pay a deposit or series of deposits to the authority from any funds legally available to the capital improvement

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board before the commencement of the lease to secure the performance of the capital improvement board's obligations under the lease;

(9) subject to IC 36-10-8-13 and IC36-10-9-11, may provide that the lease rental payments by the capital improvement board shall be made from:

(A) proceeds of one (1) or more of the excise taxes as defined in IC 36-10-8 or IC 36-10-9;

(B) proceeds of the county supplemental auto rental excise tax imposed pursuant to IC 6-6-9.7;

(C) that part of the proceeds of the county food and beverage tax imposed under IC 6-9-35, which the capital improvement board or its designee receives pursuant thereto;

(D) revenue captured under IC 36-7-31;

(E) net revenues of the capital improvement;

(F) any other funds available to the capital improvement board; or

(G) any combination of the sources described in clauses (A) through (F); and

(10) subject to IC 36-10-9-11, shall, with respect to a lease of a capital improvement, consisting, in whole or in part, of a stadium, to a capital improvement board created by IC 36-10-9, provide that the lease rental payments by the capital improvement board made in each calendar year shall include the aggregate of the revenues generated during the calendar year as a result of the use of the stadium by any person or entity during any event, other than an event involving the use of such stadium by a professional football team; provided that, the amount of the revenues to be used for rental payments in any calendar year shall not exceed the lesser of:

(A) \$3,500,000; or

(B) the lease rental payments due in the calendar year.

(c) A capital improvement board may designate the authority as its agent to receive on behalf of the capital improvement board any of the revenues identified in subsection (b)(9) and (b)(10).

(d) The authority may not enter into a lease with a capital improvement board until the capital improvement board has presented evidence in form satisfactory to the state budget director of all agreements between the capital improvement board and any prospective users of the capital improvement with respect to its use and occupancy, the payment of licenses, fees, expenses and any

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other payments to be made by the user in connection with the use of the capital improvement, or any other matter related thereto.

Sec. 14. This chapter contains full and complete authority for leases between the authority and a capital improvement board. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the board or the capital improvement board or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this chapter.

Sec. 15. If the lease provides for a capital improvement or improvements thereto to be constructed by the authority, the plans and specifications shall be submitted to and approved by all agencies designated by law to pass on plans and specifications for public buildings.

Sec. 16. The authority and a capital improvement board may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the capital improvement is located.

Sec. 17. (a) A capital improvement board may lease for a nominal lease rental, or sell to the authority, one (1) or more capital improvements or portions thereof or land upon which a capital improvement is located or is to be constructed.

(b) Any lease of all or a portion of a capital improvement by a capital improvement board to the authority must be for a term equal to the term of the lease of that capital improvement back to the capital improvement board.

(c) A capital improvement board may sell property to the authority for the amount it determines to be in the best interest of the capital improvement board. The authority may pay that amount from the proceeds of bonds of the authority.

Sec. 18. (a) Subject to subsection (h), the authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) constructing, improving, reconstructing, or renovating one (1) or more capital improvements; or

(3) funding or refunding bonds issued under IC 36-10-8 or IC 36-10-9 or prior law.

(b) The bonds are payable solely from the lease rentals from the lease of the capital improvements for which the bonds were issued, insurance proceeds, and any other funds pledged or available.

(c) The bonds shall be authorized by a resolution of the board.

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1 (d) The terms and form of the bonds shall either be set out in the
2 resolution or in a form of trust indenture approved by the
3 resolution.

4 (e) The bonds shall mature within forty (40) years.

5 (f) The board shall sell the bonds at public or private sale upon
6 the terms determined by the board.

7 (g) All money received from any bonds issued under this
8 chapter shall be applied solely to the payment of the cost of the
9 acquisition or construction, or both, of capital improvements, or
10 the cost of refunding or refinancing outstanding bonds, for which
11 the bonds are issued. The cost may include:

12 (1) planning and development of the facility and all buildings,
13 facilities, structures, and improvements related to it;

14 (2) acquisition of a site and clearing and preparing the site for
15 construction;

16 (3) equipment, facilities, structures, and improvements that
17 are necessary or desirable to make the capital improvement
18 suitable for use and operations;

19 (4) architectural, engineering, consultant, and attorney fees;

20 (5) incidental expenses in connection with the issuance and
21 sale of bonds;

22 (6) reserves for principal and interest;

23 (7) interest during construction;

24 (8) financial advisory fees;

25 (9) insurance during construction;

26 (10) municipal bond insurance, debt service reserve
27 insurance, letters of credit, or other credit enhancement; and

28 (11) in the case of refunding or refinancing, payment of the
29 principal of, redemption premiums (if any) for, and interest
30 on, the bonds being refunded or refinanced.

31 (h) The authority may not issue bonds under this chapter unless
32 the authority first finds that the following conditions are met:

33 (1) Each contract for the construction of a facility and all
34 buildings, facilities, structures, and improvements related to
35 that facility to be financed in whole or in part through the
36 issuance of the bonds requires payment of the common
37 construction wage required by IC 5-16-7.

38 (2) An agreement has been entered into with any professional
39 football team that will use any facility financed through the
40 issuance of the bonds that provides all the following:

41 (A) No transferable license will be sold to a third party that
42 entitles the third party to purchase a season ticket to
43 professional football games at the facility for a period

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greater than one (1) year.

(B) At least three thousand (3,000) tickets for professional football games held at the facility must be sold at a price of:

(i) twenty-five dollars (\$25) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the first ten (10) years of operation of the facility;

(ii) twenty-eight dollars (\$28) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the next ten (10) years of operation of the facility; and

(iii) thirty-one dollars (\$31) or less per seat, including that part of the admissions tax described in IC 6-9-13-2(b)(1), during the next ten (10) years of operation of the facility.

These tickets must be clearly designated as tickets that may not be resold for a price higher than the face value of the ticket. However, the tickets may be resold for the same price with the consent of the professional football team that uses the facility.

A person who sells a license described in subdivision (2)(A) or resells a ticket described in subdivision (2)(B) commits a Class A misdemeanor.

Sec. 19. This chapter contains full and complete authority for the issuance of bonds. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the board or any other officer, department, agency, or instrumentality of the state or of any political subdivision is required to issue any bonds, except as prescribed in this chapter.

Sec. 20. Bonds issued under this chapter are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associations, credit unions, banks of discount and deposit, savings banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under Indiana law.

Sec. 21. (a) The authority may secure bonds issued under this chapter by a trust indenture between the authority and a corporate trustee, which may be any trust company or national or state bank within Indiana that has trust powers.



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(b) The trust indenture may:

(1) pledge or assign lease rentals, receipts, and income from leased capital improvements, but may not mortgage land or capital improvements;

(2) contain reasonable and proper provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the authority and board;

(3) set forth the rights and remedies of bondholders and trustee; and

(4) restrict the individual right of action of bondholders.

(c) Any pledge or assignment made by the authority under this section is valid and binding from the time that the pledge or assignment is made, against all persons whether they have notice of the lien or not. Any trust indenture by which a pledge is created or an assignment made need not be filed or recorded. The lien is perfected against third parties by filing the trust indenture in the records of the board.

Sec. 22. If a capital improvement board exercises its option to purchase leased property, it may issue its bonds as authorized by statute.

Sec. 23. All:

(1) property owned by the authority;

(2) revenues of the authority; and

(3) bonds issued by the authority, the interest on the bonds, the proceeds received by a holder from the sale of bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of interest in proceeds;

are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

Sec. 24. Any action to contest the validity of bonds to be issued under this chapter may not be brought after the fifteenth day following:

(1) the receipt of bids for the bonds, if the bonds are sold at public sale; or

(2) the publication one (1) time in a newspaper of general circulation published in the county of notice of the execution and delivery of the contract for the sale of bonds;

whichever occurs first.

Sec. 25. The authority shall not issue bonds in a principal amount exceeding five hundred million dollars (\$500,000,000) to

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1 finance any capital improvement in a county having a consolidated
2 first class city unless:

3 (1) on or before June 30, 2005, the county fiscal body:

4 (A) increases the rate of the tax authorized by IC 6-6-9.7
5 by the maximum amount authorized by IC 6-6-9.7-7(c);

6 (B) increases the rate of the tax authorized by IC 6-9-8 by
7 the maximum amount authorized by IC 6-9-8-3(d);

8 (C) increases the rate of tax authorized by IC 6-9-12 by the
9 maximum amount authorized by IC 6-9-12-5(b); and

10 (D) increases the rate of the tax authorized by IC 6-9-13 by
11 the maximum amount authorized by IC 6-9-13-2(b); and

12 (2) on or before July 31, 2005, the budget director makes a
13 determination under IC 36-7-31-14.1 to increase the amount
14 of money captured in a tax area established under IC 36-7-31
15 by up to eleven million dollars (\$11,000,000) per year,
16 commencing July 1, 2007.

17 Sec. 26. (a) Notwithstanding any other law, any capital
18 improvement that may be leased by the authority to a capital
19 improvement board under this chapter may also be leased by the
20 authority to any state agency. Any lease between the authority and
21 a state agency under this chapter:

22 (1) must set forth the terms and conditions of the use and
23 occupancy under the lease;

24 (2) must set forth the amounts agreed to be paid at stated
25 intervals for the use and occupancy under the lease;

26 (3) must provide that the state agency is not obligated to
27 continue to pay for the use and occupancy under the lease but
28 is instead required to vacate the facility if it is shown that the
29 terms and conditions of the use and occupancy and the
30 amount to be paid for the use and occupancy are unjust and
31 unreasonable considering the value of the services and
32 facilities thereby afforded;

33 (4) must provide that the state agency is required to vacate
34 the facility if funds have not been appropriated or are not
35 available to pay any sum agreed to be paid for use and
36 occupancy when due;

37 (5) may provide for such costs as maintenance, operations,
38 taxes, and insurance to be paid by the state agency;

39 (6) may contain an option to renew the lease;

40 (7) may contain an option to purchase the facility for an
41 amount equal to the amount required to pay the principal and
42 interest of indebtedness of the authority incurred on account
43 of the facility and expenses of the authority attributable to the

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1 facility;

2 (8) may provide for payment of sums for use and occupancy
3 of an existing capital improvement being used by the state
4 agency, but may not provide for payment of sums for use and
5 occupancy of a new capital improvement until the
6 construction of the capital improvement or portion thereof
7 has been completed and the new capital improvement or a
8 portion thereof is available for use and occupancy by the state
9 agency; and

10 (9) may contain any other provisions agreeable to the
11 authority and the state agency.

12 (b) Any state agency that leases a capital improvement from the
13 authority under this chapter may sublease the capital improvement
14 to a capital improvement board under the terms and conditions set
15 forth in section 13 of this chapter.

16 (c) Notwithstanding any other law, in anticipation of the
17 construction of any capital improvement and the lease of that
18 capital improvement by the authority to a state agency, the
19 authority may acquire an existing facility owned by the state
20 agency and then lease the facility to the state agency. A lease made
21 under this subsection shall describe the capital improvement to be
22 constructed and may provide for the payment of rent by the state
23 agency for the use of the existing facility. If such rent is to be paid
24 pursuant to the lease, the lease shall provide that upon completion
25 of the construction of the capital improvement, the capital
26 improvement shall be substituted for the existing facility under the
27 lease. The rent required to be paid by the state agency pursuant to
28 the lease shall not constitute a debt of the state for purposes of the
29 Constitution of the State of Indiana. A lease entered into under this
30 subsection is subject to the same requirements for a lease entered
31 into under subsection (a) with respect to both the existing facility
32 and the capital improvement anticipated to be constructed.

33 (d) This chapter contains full and complete authority for leases
34 between the authority and a state agency and subleases between a
35 state agency and a capital improvement board. No law, procedure,
36 proceedings, publications, notices, consents, approvals, orders, or
37 acts by the board, the governing body of any state agency or the
38 capital improvement board or any other officer, department,
39 agency, or instrumentality of the state or any political subdivision
40 is required to enter into any such lease or sublease, except as
41 prescribed in this chapter.

42 Sec. 27. In order to enable the authority to lease a capital
43 improvement or existing facility to a state agency under section 26

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of this chapter, the governor may convey, transfer, or sell, with or without consideration, real property (including the buildings, structures, and improvements), title to which is held in the name of the state, to the authority, without being required to advertise or solicit bids or proposals, in order to accomplish the governmental purposes of this chapter.

Sec. 28. If the authority enters into a lease with a capital improvement board under section 13 of this chapter or a state agency under section 26 of this chapter, which then enters into a sublease with a capital improvement board under section 26(b) of this chapter, and the rental payments owed by the capital improvement board to the authority under the lease or to the state agency under the sublease are payable from the taxes described in section 25 of this chapter or from the taxes authorized under IC 6-9-35, the state budget director may choose the designee of the capital improvement board, which shall receive and deposit the revenues derived from such taxes. The designee shall hold the revenues on behalf of the capital improvement board pursuant to an agreement between the authority and the capital improvement board or between a state agency and the capital improvement board. The agreement shall provide for the application of the revenues in a manner that does not adversely affect the validity of the lease or the sublease, as applicable. The designee must be a trust company or national or state bank within Indiana that has trust powers.

SECTION 3. IC 6-6-9.7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 7. (a) The city-county council of a county that contains a consolidated city may adopt an ordinance to impose an excise tax, known as the county supplemental auto rental excise tax, upon the rental of passenger motor vehicles and trucks in the county for periods of less than thirty (30) days. The ordinance must specify that the tax expires December 31, 2027.

(b) **Except as provided in subsection (c)**, the county supplemental auto rental excise tax that may be imposed upon the rental of a passenger motor vehicle or truck equals two percent (2%) of the gross retail income received by the retail merchant for the rental.

(c) **On or before June 30, 2005, the city-county council may, by ordinance adopted by a majority of the members elected to the city-county council, increase the tax imposed under subsection (a) from two percent (2%) to four percent (4%). The ordinance must specify that the original two percent (2%) rate imposed under subsection (a) continues to be levied after its original expiration**

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1 date set forth in subsection (a), and that both the original rate and
 2 the additional rate in the aggregate of four percent (4%) expire on
 3 December 31, 2040.

4 (d) The amount collected from that portion of county
 5 supplemental auto rental excise tax imposed under subsection (c)
 6 shall, in the manner provided by section 11 of this chapter, be
 7 distributed to the capital improvement board of managers
 8 operating in a consolidated city or its designee. So long as there are
 9 any current or future obligations owed by the capital improvement
 10 board of managers to the Indiana stadium and convention building
 11 authority created by IC 5-1-17 or any state agency pursuant to a
 12 lease or other agreement entered into between the capital
 13 improvement board of managers and the Indiana stadium and
 14 convention building authority or any state agency under
 15 IC 5-1-17-26(b), the capital improvement board of managers or its
 16 designee shall deposit the revenues received from that portion of
 17 the county supplemental auto rental excise tax imposed under
 18 subsection (c) in a special fund, which may be used only for the
 19 payment of the obligations described in this subsection.

20 ~~(e)~~ (e) If a city-county council adopts an ordinance under subsection
 21 (a) or (c), the city-county council shall immediately send a certified
 22 copy of the ordinance to the commissioner of the department of state
 23 revenue.

24 ~~(d)~~ (f) If a city-county council adopts an ordinance under subsection
 25 (a) or (c) prior to June 1, the county supplemental auto rental excise tax
 26 applies to auto rentals after June 30 of the year in which the ordinance
 27 is adopted. If the city-county council adopts an ordinance under
 28 subsection (a) or (c) on or after June 1, the county supplemental auto
 29 rental excise tax applies to auto rentals after the last day of the month
 30 in which the ordinance is adopted.

31 SECTION 4. IC 6-6-9.7-12 IS AMENDED TO READ AS
 32 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 12. This chapter
 33 expires ~~January 1, 2028~~. **December 31, 2040.**

34 SECTION 5. IC 6-9-8-3 IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) ~~Except as provided in~~
 36 ~~subsection (b)~~; The tax imposed by section 2 of this chapter shall be at
 37 the rate of:

38 (1) before January 1, 2028, five percent (5%) on the gross income
 39 derived from lodging income only, **plus an additional one**
 40 **percent (1%)** if the fiscal body ~~does not adopt~~ **adopts** an
 41 ordinance under subsection (b), ~~and six percent (6%)~~ **plus an**
 42 **additional three percent (3%)** if the fiscal body adopts an

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ordinance under subsection ~~(b)~~; **(d)**; and
 (2) after December 31, 2027, **and before January 1, 2041, five percent (5%) plus an additional three percent (3%) if the fiscal body adopts an ordinance under subsection (d); and**
(3) after December 31, 2040, five percent (5%).

(b) In any year subsequent to the initial year in which a tax is imposed under section 2 of this chapter, the fiscal body may, by ordinance adopted by at least two-thirds (2/3) of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter from five percent (5%) to six percent (6%). The ordinance must specify that the increase in the tax authorized under this subsection expires January 1, 2028.

(c) The amount collected from an increase adopted under subsection (b) shall be transferred to the capital improvement board of managers established by IC 36-10-9-3. The board shall deposit the revenues received under this subsection in a special fund. Money in the special fund may be used only for the payment of obligations incurred to expand a convention center, including:

- (1) principal and interest on bonds issued to finance or refinance the expansion of a convention center; and
- (2) lease agreements entered into to expand a convention center.

(d) On or before June 30, 2005, the fiscal body may, by ordinance adopted by a majority of the members elected to the fiscal body, increase the tax imposed by section 2 of this chapter by an additional three percent (3%) to a total rate of eight percent (8%) (or nine percent (9%) if the fiscal body has adopted an ordinance under subsection (b) and that rate remains in effect). The ordinance must specify that the increase in the tax authorized under this subsection expires December 31, 2040. If the fiscal body adopts an ordinance under this subsection, it shall immediately send a certified copy of the ordinance to the commissioner of the department of state revenue, and the increase in the tax imposed under this chapter applies to transactions that occur after June 30, 2005.

(e) The amount collected from an increase adopted under subsection (d) shall be transferred to the capital improvement board of managers established by IC 36-10-9-3 or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the

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1 **Indiana stadium and convention building authority or any state**
 2 **agency pursuant to IC 5-1-17-26(b), the capital improvement board**
 3 **of managers or its designee shall deposit the revenues received**
 4 **under this subsection in a special fund, which may be used only for**
 5 **the payment of the obligations described in this subsection.**

6 SECTION 6. IC 6-9-12-5 IS AMENDED TO READ AS FOLLOWS
 7 [EFFECTIVE MAY 15, 2005]: Sec. 5. **(a) Subject to subsection (b),**
 8 **the county food and beverage tax imposed on a food or beverage**
 9 **transaction described in section 3 of this chapter equals one percent**
 10 **(1%) of the gross retail income received by the retail merchant from the**
 11 **transaction. The tax authorized under this subsection expires**
 12 **January 1, 2041.**

13 **(b) On or before June 30, 2005, the city-county council of a**
 14 **county may, by a majority vote of the members elected to the**
 15 **city-county council, adopt an ordinance that increases the tax**
 16 **imposed under this chapter by an additional rate of one percent**
 17 **(1%) to a total rate of two percent (2%). The ordinance must**
 18 **specify that the increase in the tax authorized under this subsection**
 19 **expires January 1, 2041. If a city-county council adopts an**
 20 **ordinance under this subsection, it shall immediately send a**
 21 **certified copy of the ordinance to the commissioner of the**
 22 **department of state revenue, and the increase in the tax imposed**
 23 **under this chapter applies to transactions that occur after June 30,**
 24 **2005.**

25 **(c) For purposes of this chapter, the gross retail income received by**
 26 **the retail merchant from such a transaction that is subject to the tax**
 27 **imposed by this chapter does not include the amount of tax imposed**
 28 **on the transaction under IC 6-2.5.**

29 SECTION 7. IC 6-9-12-8 IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE MAY 15, 2005]: Sec. 8. The amounts received from the
 31 county food and beverage tax shall be paid monthly by the treasurer of
 32 the state to the treasurer of the capital improvement board of managers
 33 of the county **or its designee** upon warrants issued by the auditor of
 34 state. **So long as there are any current or future obligations owed**
 35 **by the capital improvement board of managers to the Indiana**
 36 **stadium and convention building authority created by IC 5-1-17 or**
 37 **any state agency pursuant to a lease or other agreement entered**
 38 **into between the capital improvement board of managers and the**
 39 **Indiana stadium and convention building authority or any state**
 40 **agency pursuant to IC 5-1-17-26(b), the capital improvement board**
 41 **of managers or its designee shall deposit the revenues received**
 42 **from that portion of the county food and beverage tax imposed**

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1 **under section 5(b) of this chapter in a special fund, which may be**
 2 **used only for the payment of the obligations described in this**
 3 **section.**

4 SECTION 8. IC 6-9-13-1 IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE MAY 15, 2005]: Sec. 1. (a) Except as provided in
 6 subsection (b), the city-county council of a county that contains a
 7 consolidated first class city may adopt an ordinance to impose an
 8 excise tax, known as the county admissions tax, for the privilege of
 9 attending, before January 1, ~~2028~~, **2041**, any event and, after December
 10 31, ~~2027~~, **2040**, any professional sporting event:

11 (1) held in a facility financed in whole or in part by bonds or notes
 12 issued under IC 18-4-17 (before its repeal on September 1, 1981),
 13 IC 36-10-9, or IC 36-10-9.1; and

14 (2) to which tickets are offered for sale to the public by:

15 (A) the box office of the facility; or

16 (B) an authorized agent of the facility.

17 (b) The excise tax imposed under subsection (a) does not apply to
 18 the following:

19 (1) An event sponsored by an educational institution or an
 20 association representing an educational institution.

21 (2) An event sponsored by a religious organization.

22 (3) An event sponsored by an organization that is considered a
 23 charitable organization by the Internal Revenue Service for
 24 federal tax purposes.

25 (4) An event sponsored by a political organization.

26 (c) If a city-county council adopts an ordinance under subsection
 27 (a), it shall immediately send a certified copy of the ordinance to the
 28 commissioner of the department of state revenue.

29 (d) If a city-county council adopts an ordinance under subsection (a)
 30 **or section 2 of this chapter** prior to June 1, the county admissions tax
 31 applies to admission charges collected after June 30 of the year in
 32 which the ordinance is adopted. If the city-county council adopts an
 33 ordinance under subsection (a) **or section 2 of this chapter** on or after
 34 June 1, the county admissions tax applies to admission charges
 35 collected after the last day of the month in which the ordinance is
 36 adopted.

37 SECTION 9. IC 6-9-13-2 IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE MAY 15, 2005]: Sec. 2. **(a) Except as provided in**
 39 **subsection (b)**, the county admissions tax equals five percent (5%) of
 40 the price for admission to any event described in section 1 of this
 41 chapter.

42 **(b) On or before June 30, 2005, the city-county council may, by**

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ordinance adopted by a majority of the members elected to the city-county council, increase the county admissions tax from five percent (5%) to six percent (6%) of the price for admission to any event described in section 1 of this chapter, plus:

- (1) three dollars (\$3) for each admission to a professional sporting event described in section 1 of this chapter; and
- (2) one dollar (\$1) for each admission to any other event described in section 1 of this chapter.

(c) The amount collected from that portion of the county admissions tax imposed under subsection (b) shall be distributed to the capital improvement board of managers or its designee. So long as there are any current or future obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board of managers and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26(b), the capital improvement board of managers or its designee shall deposit the revenues received from that portion of the county admissions tax imposed under subsection (b) in a special fund, which may be used only for the payment of the obligations described in this subsection.

SECTION 10. IC 6-9-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 3. (a) **Subject to subsection (c)**, each person who pays a price for admission to any event described in section 1(a) of this chapter is liable for the tax imposed under this chapter.

(b) **Subject to subsection (c)**, the person who collects the price for admission shall also collect the county admissions tax imposed with respect to the price for admission. The person shall collect the tax at the same time the price for admission is paid, regardless of whether the price paid is for a single admission, for season tickets, or for any other admission arrangement. In addition, the person shall collect the tax as an agent of the state and the county in which the facility described in section 1 of this chapter is located.

(c) **A person who is liable for the tax imposed under section 1 of this chapter is entitled to a credit against that part of the tax liability due under section 2(b)(1) of this chapter if:**

- (1) the tax liability is with respect to attendance at a professional sporting event described in section 1 of this chapter;
- (2) the event is conducted at a facility that was financed,

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constructed, or acquired in the manner provided by
IC 5-1-17; and

(3) the professional sports team conducting the event has
contributed or agreed to make payments to the capital
improvement board of managers or its designee that are
sufficient, as determined by the Indiana stadium and
convention building authority, to replace all or part of the tax
liability due under section 2(b)(1) of this chapter that would
otherwise be required to enable the capital improvement
board of managers to meet any current or future obligations
owed to the Indiana stadium and convention building
authority created by IC 5-1-17 or any state agency pursuant
to a lease or other agreement entered into between the capital
improvement board of managers and the Indiana stadium and
convention building authority or any state agency pursuant to
IC 5-1-17-26(b).

(d) The budget agency shall:

(1) in consultation with the Indiana stadium and convention
building authority and the department of state revenue,
establish a method for computing the amount of the credit
described in subsection (c); and

(2) submit the method established under subdivision (1) to the
budget committee for its review and recommendation.

SECTION 11. IC 6-9-35 IS ADDED TO THE INDIANA CODE AS
A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE MAY
15, 2005]:

**Chapter 35. Stadium and Convention Building Food and
Beverage Tax Funding**

Sec. 1. This chapter applies to Boone, Johnson, Hamilton,
Hancock, Hendricks, Morgan, and Shelby counties (referred to as
counties in this chapter) and to the city or town of Avon, Carmel,
Fishers, Franklin, Greenfield, Greenwood, Lebanon, Martinsville,
Noblesville, and Westfield that are located in those counties
(referred to as political subdivisions in this chapter).

Sec. 2. The definitions in IC 6-9-12-1 and IC 36-1-2 apply
throughout this chapter.

Sec. 3. As used in this chapter, "authority" refers to the Indiana
stadium and convention building authority created by IC 5-1-17.

Sec. 4. As used in this chapter, "capital improvement board"
means the capital improvement board of managers created by
IC 36-10-9-3.

Sec. 5. (a) Except as provided in subsection (d), the fiscal body
of a county may adopt an ordinance not later than July 31, 2005,

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1 to impose an excise tax, known as the food and beverage tax, on
2 those transactions described in sections 8 and 9 of this chapter that
3 occur anywhere within the county.

4 (b) Except as provided in subsection (d), if the county in which
5 the political subdivision is located has adopted an ordinance
6 imposing an excise tax under subsection (a), the fiscal body of a
7 political subdivision may adopt an ordinance not later than
8 September 30, 2005, to impose an excise tax, known as the food and
9 beverage tax, on those transactions described in sections 8 and 9 of
10 this chapter that occur anywhere within the political subdivision.

11 (c) The rate of the tax imposed under this chapter equals one
12 percent (1%) of the gross retail income on the transaction. With
13 respect to an excise tax in the political subdivisions set forth in
14 IC 6-9-27-1(1) (Mooreville), IC 6-9-27-1(3) (Plainfield) and
15 IC 6-9-27-1(4) (Brownsburg), the excise tax imposed by the county
16 is in addition to the food and beverage tax imposed by those
17 political subdivisions. With respect to an excise tax imposed by a
18 county under subsection (a), the excise tax imposed by a political
19 subdivision under subsection (b) is in addition to the food and
20 beverage tax imposed by the county in which the political
21 subdivision is located. For purposes of this chapter, the gross retail
22 income received by the retail merchant from such a transaction
23 does not include the amount of tax imposed on the transaction
24 under IC 6-2.5, IC 6-9-27, or this chapter.

25 (d) If the Marion County city-county council does not adopt all
26 the ordinances required to be adopted by it under IC 5-1-17-25 on
27 or before June 30, 2005, the counties and political subdivisions
28 described in section 1 of this chapter are no longer subject to the
29 provisions of this chapter. In that event, the fiscal body of the
30 county or political subdivision may not adopt an ordinance to
31 impose the excise tax authorized by this chapter, and any
32 ordinance adopted by the fiscal body under subsection (a) or (b) is
33 no longer effective.

34 Sec. 6. If a fiscal body adopts an ordinance under section 5 of
35 this chapter, the clerk shall immediately send a certified copy of
36 the ordinance to the commissioner of the department of state
37 revenue.

38 Sec. 7. If a fiscal body adopts an ordinance under section 5 of
39 this chapter, the food and beverage tax applies to transactions that
40 occur after July 31, 2005.

41 Sec. 8. Except as provided in section 10 of this chapter, a tax
42 imposed under section 5 of this chapter applies to any transaction
43 in which food or beverage is furnished, prepared, or served:

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- (1) for consumption at a location, or on equipment, provided by a retail merchant;
- (2) in the county or political subdivision, or both, in which the tax is imposed; and
- (3) by a retail merchant for consideration.

Sec. 9. Transactions described in section 8(1) of this chapter include transactions in which food or beverage is:

- (1) served by a retail merchant off the merchant's premises;
- (2) food sold in a heated state or heated by a retail merchant;
- (3) two (2) or more food ingredients mixed or combined by a retail merchant for sale as a single item (other than food that is only cut, repackaged, or pasteurized by the seller, and eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the federal Food and Drug Administration in chapter 3, subpart 3-401.11 of its Food Code so as to prevent food borne illnesses); or
- (4) food sold with eating utensils provided by a retail merchant, including plates, knives, forks, spoons, glasses, cups, napkins, or straws (for purposes of this subdivision, a plate does not include a container or packaging used to transport the food).

Sec. 10. The food and beverage tax under this chapter does not apply to the furnishing, preparing, or serving of any food or beverage in a transaction that is exempt, or to the extent exempt, from the state gross retail tax imposed by IC 6-2.5.

Sec. 11. The tax that may be imposed under this chapter shall be imposed, paid, and collected in the same manner that the state gross retail tax is imposed, paid, and collected under IC 6-2.5. However, the return to be filed for the payment of the taxes may be made on separate returns or may be combined with the return filed for the payment of the state gross retail tax, as prescribed by the department of state revenue.

Sec. 12. (a) As long as there are any current or future obligations owed by the capital improvement board to the authority or any state agency under a lease or other agreement entered into between the capital improvement board and the authority or any state agency pursuant to IC 5-1-17-26(b), fifty percent (50%) of the amounts received from the taxes imposed under this chapter by counties shall be paid monthly by the treasurer of state to the treasurer of the capital improvement board or its designee upon warrants issued by the auditor of state and the remainder shall be paid monthly by the treasurer of state

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to the county fiscal officer upon warrants issued by the auditor of state. In any state fiscal year, if the aggregate amount of the taxes imposed under this chapter by all the counties and paid to the treasurer of the capital improvement board or its designee under this subsection equals five million dollars (\$5,000,000), the entire remainder of the taxes imposed by a county under this chapter during that state fiscal year shall be paid by the treasurer of state to the fiscal officer of the county, upon warrants issued by the auditor of state.

(b) If there are then existing no obligations of the capital improvement board described in subsection (a), the entire amount received from the taxes imposed by a county under this chapter shall be paid monthly by the treasurer of state to the county fiscal officer upon warrants issued by the auditor of state.

(c) The entire amount of the taxes paid to the treasurer of the capital improvement board or its designee under subsection (a) shall be deposited in a special fund and used only for the payment of obligations of the capital improvement board described in subsection (a).

(d) The entire amount received from the taxes imposed by a political subdivision under this chapter shall be paid monthly by the treasurer of state to the political subdivision's fiscal officer upon warrants issued by the auditor of state.

Sec. 13. (a) If a tax is imposed under section 5 of this chapter, the county or political subdivision fiscal officer, or both, shall establish a food and beverage tax fund.

(b) The fiscal officer shall deposit in the fund all amounts received by the fiscal officer under this chapter.

(c) Any money earned from the investment of money in the fund becomes a part of the fund.

Sec. 14. Money in the food and beverage tax fund shall be used by the county or political subdivision:

(1) to reduce the county's or political subdivision's property tax levy for a particular year at the discretion of the county or political subdivision, but this use does not reduce the maximum permissible levy under IC 6-1.1-18.5 for the county or political subdivision; or

(2) for the financing, construction, operation, or maintenance of the following:

(A) Sanitary sewers or wastewater treatment facilities.

(B) Park or recreational facilities.

(C) Drainage or flood control facilities.

(D) Drinking water treatment, storage, or distribution

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1 facilities.

2 (E) Roads and streets.

3 A county or political subdivision may pledge the money to
4 bonds, leases, or other obligations under IC 5-1-14-4.

5 Sec. 15. (a) If there are no obligations of the capital
6 improvement board described in section 12(a) of this chapter then
7 outstanding and there are no bonds, leases, or other obligations
8 then outstanding for which a pledge has been made under section
9 14 of this chapter, the fiscal body may adopt an ordinance, after
10 December 31, 2009, and before December 1, 2010, or any year
11 thereafter, that repeals the ordinance adopted under section 5 of
12 this chapter.

13 (b) An ordinance adopted under subsection (a) takes effect
14 January 1 immediately following the date of its adoption. If the
15 fiscal body adopts such an ordinance, the clerk shall immediately
16 send a certified copy of the ordinance to the commissioner of the
17 department of state revenue.

18 Sec. 16. With respect to obligations of the capital improvement
19 board described in section 12(a) of this chapter and bonds, leases,
20 or other obligations for which a pledge has been made under
21 section 14 of this chapter, the general assembly covenants with the
22 holders of these obligations that:

23 (1) this chapter will not be repealed or amended in any
24 manner that will adversely affect the imposition or collection
25 of the tax imposed under this chapter; and

26 (2) this chapter will not be amended in any manner that will
27 change the purpose for which revenues from the tax imposed
28 under this chapter may be used;

29 as long as the payment of any of those obligations is outstanding.

30 SECTION 12. IC 8-9.5-9-2 IS AMENDED TO READ AS
31 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 2. As used in this
32 chapter, "authority" means:

33 (1) an authority or agency established under IC 8-1-2.2 or
34 IC 8-9.5 through IC 8-23;

35 (2) the commission established under IC 4-13.5;

36 (3) only in connection with a program established under
37 IC 13-18-13 or IC 13-18-21, the bank established under IC 5-1.5;

38 or

39 (4) a fund or program established under IC 13-18-13 or
40 IC 13-18-21;

41 (5) the authority established under IC 4-4-11; or

42 (6) the authority established under IC 5-1-17.

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SECTION 13. IC 9-13-2-170 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 170. "Special group"
means:

(1) a class or group of persons that the bureau finds:

~~(1) that:~~

(A) have made significant contributions to the United States,
Indiana, or the group's community or

~~(B)~~ are descendants of native or pioneer residents of Indiana;

~~(2)~~ (B) are organized as a nonprofit organization (as defined
under Section 501(c) of the Internal Revenue Code);

~~(3)~~ (C) are organized for nonrecreational purposes; and

~~(4)~~ (D) are organized as a separate, unique organization or as
a coalition of separate, unique organizations; **or**

(2) a professional sports franchise.

SECTION 14. IC 9-18-15-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who is
the registered owner or lessee of a:

(1) passenger motor vehicle;

(2) motorcycle;

(3) recreational vehicle; or

(4) vehicle registered as a truck with a declared gross weight of
not more than:

(A) eleven thousand (11,000) pounds;

(B) nine thousand (9,000) pounds; or

(C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original
registration or renewal registration of a vehicle may apply to the bureau
for a personalized license plate to be affixed to the vehicle for which
registration is sought instead of the regular license plate.

(b) A person who:

(1) is the registered owner or lessee of a vehicle described in
subsection (a); and

(2) is eligible to receive a license plate for the vehicle under:

(A) IC 9-18-17 (prisoner of war license plates);

(B) IC 9-18-18 (disabled veteran license plates);

(C) IC 9-18-19 (purple heart license plates);

(D) IC 9-18-20 (Indiana National Guard license plates);

(E) IC 9-18-21 (Indiana Guard Reserve license plates);

(F) IC 9-18-22 (license plates for persons with disabilities);

(G) IC 9-18-23 (amateur radio operator license plates);

(H) IC 9-18-24 (civic event license plates);

(I) IC 9-18-25 (special group recognition license plates);

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1 (J) IC 9-18-29 (environmental license plates);
 2 (K) IC 9-18-30 (kids first trust license plates);
 3 (L) IC 9-18-31 (education license plates);
 4 (M) IC 9-18-32.2 (drug free Indiana trust license plates);
 5 (N) IC 9-18-33 (Indiana FFA trust license plates);
 6 (O) IC 9-18-34 (Indiana firefighter license plates);
 7 (P) IC 9-18-35 (Indiana food bank trust license plates);
 8 (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
 9 (R) IC 9-18-37 (Indiana boy scouts trust license plates);
 10 (S) IC 9-18-38 (Indiana retired armed forces member license
 11 plates);
 12 (T) IC 9-18-39 (Indiana antique car museum trust license
 13 plates);
 14 (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
 15 (V) IC 9-18-41 (Indiana arts trust license plates);
 16 (W) IC 9-18-42 (Indiana health trust license plates);
 17 (X) IC 9-18-43 (Indiana mental health trust license plates);
 18 (Y) IC 9-18-44 (Indiana Native American Trust license
 19 plates);
 20 (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
 21 (AA) IC 9-18-46.2 (Indiana state educational institution trust
 22 license plates);
 23 (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates);
 24 or
 25 (CC) IC 9-18-48 (Riley Children's Foundation license plates);
 26 or
 27 **(DD) IC 9-18-49 (Professional sports teams license plates);**
 28 may apply to the bureau for a personalized license plate to be affixed
 29 to the vehicle for which registration is sought instead of the regular
 30 special recognition license plate.
 31 SECTION 15. IC 9-18-49 IS ADDED TO THE INDIANA CODE
 32 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2005]:
 34 **Chapter 49. Professional Sports Teams License Plates**
 35 **Sec. 1. The bureau shall design and issue a professional sports**
 36 **teams license plate for a professional sports team from which the**
 37 **bureau secures an agreement for the production and sale of license**
 38 **plates. A professional sports team license plate shall be designed**
 39 **and issued as a special group recognition license plate under**
 40 **IC 9-18-25.**
 41 **Sec. 2. The bureau shall:**
 42 **(1) negotiate for the purpose of entering; or**

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(2) delegate the authority to enter;
into license agreements with a professional sports franchise in
order to design and issue a professional sports teams license plate
authorized under section 1 of this chapter.

Sec. 3. After December 31, 2005, a person who is eligible to
register a motor vehicle under this title is eligible to receive a
specified professional sports teams license plate issued under a
licensing agreement entered into under section 2 of this chapter
with a specified professional sports franchise upon doing the
following:

(1) Completing an application for a specified professional
sports teams license plate.

(2) Paying the fees under section 4 of this chapter.

Sec. 4. (a) The fees for a professional sports teams license plate
are as follows:

(1) The appropriate fees under IC 9-29-5-38(d)(1),
IC 9-29-5-38(d)(2), and IC 9-29-5-38(d)(3).

(2) An annual fee under IC 9-29-5-38(d)(4), to be determined
by the bureau by rule.

(b) The annual fee described in subsection (a)(2) shall be:

(1) collected by the bureau; and

(2) deposited in the capital projects trust fund established by
section 5 of this chapter.

Sec. 5. (a) The capital projects trust fund is established.

(b) The treasurer of state shall invest the money in the capital
projects trust fund not currently needed to meet the obligations of
the capital projects trust fund in the same manner as other public
trust funds are invested. Interest that accrues from these
investments shall be deposited in the capital projects trust fund.
Money in the fund is continuously appropriated for the purposes
of this section.

(c) The budget director shall administer the capital projects
trust fund. Expenses of administering the capital projects trust
fund shall be paid from money in the capital projects trust fund.

(d) On:

(1) June 30 of every year after June 30, 2006; or

(2) any other date designated by the budget director;

an amount designated by the budget director shall be transferred
from the fund to the state general fund or to any fund established
to pay bonds (as defined in IC 5-1-17-3) issued by the Indiana
stadium and convention building authority created by IC 5-1-17.
Money transferred to the state general fund under this subsection
shall be used exclusively to fund appropriations made by the

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1 **general assembly for capital projects.**

2 **(e) Money in the fund at the end of a state fiscal year does not**
3 **revert to the state general fund.**

4 **Sec. 6. The budget agency shall adopt rules under IC 4-22-2 to**
5 **implement this chapter.**

6 SECTION 16. IC 9-29-5-38 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38. (a) Except as
8 provided in ~~subsection~~ **subsections (c) and (d)**, vehicles registered
9 under IC 9-18-25 are subject to the following:

- 10 (1) An appropriate annual registration fee.
11 (2) An annual supplemental fee of ten dollars (\$10).
12 (3) Any other fee or tax required of a person registering a vehicle
13 under this title.

14 (b) The bureau shall distribute all money collected under the annual
15 supplemental fee under subsection (a)(2) as follows:

- 16 (1) Five dollars (\$5) from each registration is appropriated to the
17 bureau of motor vehicles for the purpose of administering
18 IC 9-18-25.

- 19 (2) Five dollars (\$5) from each registration shall be deposited in
20 the state license branch fund under IC 9-29-14.

21 (c) A vehicle registered under IC 9-18-25 that is owned by a former
22 prisoner of war or by the prisoner's surviving spouse is exempt from the
23 annual registration fee and the annual supplemental fee.

24 **(d) A motor vehicle registered and issued a special group**
25 **recognition license plate under IC 9-18-25 and IC 9-18-49 is subject**
26 **to the following:**

- 27 (1) An appropriate annual registration fee.
28 (2) An annual supplemental fee of twenty dollars (\$20).
29 (3) Any other fee or tax required of a person registering a
30 vehicle under this title.
31 (4) An annual fee to be determined by the bureau by rule, as
32 provided in IC 9-18-49-4(a)(2).

33 SECTION 17. IC 36-7-31-10 IS AMENDED TO READ AS
34 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 10. A commission
35 may establish as part of a professional sports development area any
36 facility:

- 37 (1) that is used in the training of a team engaged in professional
38 sporting events; or

39 (2) that is:

40 (A) financed in whole or in part by:

- 41 (i) notes or bonds issued by a political subdivision or issued
42 under IC 36-10-9 or IC 36-10-9.1; or

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1 (ii) a lease or other agreement under IC 5-1-17; and

2 (B) used to hold a professional sporting event.

3 The tax area may include a facility described in this section and any
4 parcel of land on which the facility is located. An area may contain
5 noncontiguous tracts of land within the county.

6 SECTION 18. IC 36-7-31-11 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 11. (a) A tax area must
8 be initially established before July 1, 1999, according to the procedures
9 set forth for the establishment of an economic development area under
10 IC 36-7-15.1. A tax area may be changed **(including to the exclusion**
11 **or inclusion of a facility described in this chapter)** or the terms
12 governing the tax area **may be** revised in the same manner as the
13 establishment of the initial tax area. **However, after May 14, 2005:**

14 **(1) a tax area may be changed only to include the site or**
15 **future site of a facility that is or will be the subject of a lease**
16 **or other agreement entered into between the capital**
17 **improvement board and the Indiana stadium and convention**
18 **building authority or any state agency under IC 5-1-17; and**
19 **(2) the terms governing a tax area may be revised only with**
20 **respect to a facility described in subdivision (1).**

21 (b) In establishing **or changing the tax area or revising the terms**
22 **governing** the tax area, the commission must make the following
23 findings instead of the findings required for the establishment of
24 economic development areas:

25 (1) That a project to be undertaken or that has been undertaken in
26 the tax area is for a facility at which a professional sporting event
27 **or a convention or similar event** will be held.

28 (2) That the project to be undertaken or that has been undertaken
29 in the tax area will benefit the public health and welfare and will
30 be of public utility and benefit.

31 (3) That the project to be undertaken or that has been undertaken
32 in the tax area will protect or increase state and local tax bases
33 and tax revenues.

34 (c) The tax area established by the commission under this chapter
35 is a special taxing district authorized by the general assembly to enable
36 the county to provide special benefits to taxpayers in the tax area by
37 promoting economic development that is of public use and benefit.

38 SECTION 19. IC 36-7-31-14 IS AMENDED TO READ AS
39 FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 14. (a) A tax area must
40 be established by resolution. A resolution establishing a tax area must
41 provide for the allocation of covered taxes attributable to a taxable
42 event or covered taxes earned in the tax area to the professional sports

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development area fund established for the county. The allocation provision must apply to the entire tax area. The resolution must provide that the tax area terminates not later than December 31, 2027.

(b) All of the salary, wages, bonuses, and other compensation that are:

- (1) paid during a taxable year to a professional athlete for professional athletic services;
- (2) taxable in Indiana; and
- (3) earned in the tax area;

shall be allocated to the tax area if the professional athlete is a member of a team that plays the majority of the professional athletic events that the team plays in Indiana in the tax area.

(c) **Except as provided by section 14.1 of this chapter**, the total amount of state revenue captured by the tax area may not exceed five million dollars (\$5,000,000) per year for twenty (20) consecutive years.

(d) The resolution establishing the tax area must designate the facility and the facility site for which the tax area is established and covered taxes will be used.

(e) The department may adopt rules under IC 4-22-2 and guidelines to govern the allocation of covered taxes to a tax area.

SECTION 20. IC 36-7-31-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: **Sec. 14.1. (a) The budget director appointed under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area up to eleven million dollars (\$11,000,000) per year in addition to the up to five million dollars (\$5,000,000) of state revenue to be captured by the tax area under section 14 of this chapter, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars (\$11,000,000) per year is extended to not later than December 31, 2040. Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, 2028, shall be sixteen million dollars (\$16,000,000) per year, and for years ending after December 31, 2027, shall be eleven million dollars (\$11,000,000) per year.**

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the capital improvement board or its designee. So long as there are any current or future obligations owed by the capital improvement

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board to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency pursuant to a lease or other agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency pursuant to IC 5-1-17-26(b), the capital improvement board or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

SECTION 21. IC 36-7-31-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 21. **Except as provided in section 14.1 of this chapter**, the capital improvement board may use money distributed from the fund only to construct and equip a capital improvement that is used for a professional sporting event, including the financing or refinancing of a capital improvement or the payment of lease payments for a capital improvement.

SECTION 22. IC 36-7-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 23. This chapter expires December 31, ~~2027~~: **2040**.

SECTION 23. IC 36-7-31.3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005]: Sec. 9. (a) A tax area must be initially established by resolution:

- (1) except as provided in subdivision (2) before July 1, 1999; or
- (2) before January 1, 2005, **in the case of:**
 - (A) ~~in the case of~~ a second class city; or
 - (B) the city of Marion;

according to the procedures set forth for the establishment of an economic development area under IC 36-7-14. **Before May 15, 2005**, a tax area may be changed or the terms governing the tax area revised in the same manner as the establishment of the initial tax area. **After May 14, 2005, a tax area may not be changed and the terms governing a tax area may not be revised.** Only one (1) tax area may be created in each county.

(b) In establishing the tax area, the designating body must make the following findings instead of the findings required for the establishment of economic development areas:

- (1) Except for a tax area in a city having a population of:
 - (A) more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000); or
 - (B) more than ninety thousand (90,000) but less than one hundred five thousand (105,000);

there is a capital improvement that will be undertaken or has been

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undertaken in the tax area for a facility that is used by a professional sports franchise for practice or competitive sporting events. A tax area to which this subdivision applies may also include a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(2) For a tax area in a city having a population of more than one hundred fifty thousand (150,000) but less than five hundred thousand (500,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a) of this chapter.

(3) For a tax area in a city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000), there is a capital improvement that will be undertaken or has been undertaken in the tax area for a facility that is used for any purpose specified in section 8(a)(2) of this chapter.

(4) The capital improvement that will be undertaken or that has been undertaken in the tax area will benefit the public health and welfare and will be of public utility and benefit.

(5) The capital improvement that will be undertaken or that has been undertaken in the tax area will protect or increase state and local tax bases and tax revenues.

(c) The tax area established under this chapter is a special taxing district authorized by the general assembly to enable the designating body to provide special benefits to taxpayers in the tax area by promoting economic development that is of public use and benefit.

SECTION 24. IC 6-9-12-9 IS REPEALED [EFFECTIVE MAY 15, 2005].

SECTION 25. [EFFECTIVE MAY 15, 2005] (a) **If a member of the board of directors of the Indiana stadium and convention building authority to be appointed under IC 5-1-17-7(a)(4) or IC 5-1-17-7(a)(5) is not appointed for the initial term on or before June 30, 2005, the governor shall appoint that member for the initial term.**

(b) **This SECTION expires July 1, 2006.**

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-18-49-4(a)(2) and IC 9-29-5-38(d)(4), both as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-18-49-4(a)(2) and IC 9-29-5-38(d)(4), both as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor**

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1 vehicles.

2 (b) This SECTION expires the earlier of the following:

3 (1) The date rules are adopted under IC 9-18-49-4(a)(2) and
4 IC 9-29-5-38(d)(4).

5 (2) December 31, 2006.

6 SECTION 27. [EFFECTIVE UPON PASSAGE] (a)
7 Notwithstanding IC 9-18-49-6, as added by this act, the budget
8 agency shall carry out the duties imposed upon it by IC 9-18-49-6,
9 as added by this act, under interim written guidelines approved by
10 the director of the budget agency.

11 (b) This SECTION expires the earlier of the following:

12 (1) The date rules are adopted under IC 9-18-49-6.

13 (2) December 31, 2006.

14 SECTION 28. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1083, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 21, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1083, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1083 as printed January 7, 2005.)

KENLEY, Chairperson

Committee Vote: Yeas 10, Nays 0.

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